

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

Case No. 23-CR-34-JJM-PAS

v.

ERNEST P. RICCI

GOVERNMENT’S RESPONSE IN OPPOSITION TO
DEFENDANT’S “EMERGENCY” MOTION TO DELAY SELF-REPORT DATE

The United States opposes the Defendant Ernest P. Ricci’s “Emergency” Motion to postpone the date to self-report for his prison sentence (ECF No. 85). The motion’s filing on the eve of his report date was as predictable as the sun rising in the east. It is nothing more than the latest cynical attempt by Ricci to avoid accountability for his criminal conduct and should be denied.

This is not the first time Ricci has attempted to manipulate the Court via his medical condition. After being detained pretrial for multiple violations of the conditions of his release, Ricci filed a similar “Emergency Motion for Release from Custody” based on the same medical condition (ECF No. 27.) As noted in the government’s sentencing memorandum (ECF No. 75), Ricci drafted a letter to the Court purportedly from his physician son and pressured his son to put it on military letterhead sign it; the letter was later submitted to the Court (without the military letterhead).

Over the government’s opposition, on April 28, 2023, the Court granted Ricci temporary release for medical treatment which was anticipated to occur within days.

Ricci then proceeded to schedule his so-called “emergency” surgery for four months later. Yet he immediately violated the conditions of his release by again interfering with witnesses and failing to report police contact to Probation. Only when the government filed a Motion to Reconsider Temporary Release (ECF No. 28), did Ricci move the surgery up to two months later.

On the eve of sentencing, Ricci again scheduled surgery four weeks after the sentencing date, just beyond the ordinary time for self-reporting. The Court indulged Ricci by extending his self-report for several weeks in order to accommodate the surgery and “recovery.” Now, two days before he is supposed to self-report to Federal Medical Center Devens, Ricci submits an “emergency” motion to extend his self-report date to allow surgery three months from now in late September or October.

The timing of Ricci’s filing gives away the game. The surgery was scheduled for June 26, 2024. Only last week, on July 2, Ricci requested and received permission from the U.S. Probation Office to move back into his residence in North Kingston, RI with his dogs. Ricci made no mention to Probation of the fact that his surgery had been cancelled. Who moves residences eight days before beginning a three year federal prison sentence? One who believes they will not begin serving the sentence in eight days.

Later that same day, July 2, Ricci met with an FBI agent in Chelsea, MA to retrieve property being returned to him. Ricci told the agent that he moved back into his North Kingston residence because “it was better for his dogs.” Ricci further told the agent that his surgery was postponed because his insurance said it was out of network.

Ricci told the agent that he wanted to get the surgery before he reported to prison because a friend of his brother had been to prison and said the health care was not good. Ricci stated the friend said if you have a toothache, they give you pain medicine and if it still hurts they just pull the tooth. Ricci stated he had a new lawyer and they were going to file a motion to change the date he needed to report to prison. Ricci further stated he was supposed to report to FMC Devens.¹

Ricci's motion is nothing but a cynical attempt to manipulate the Court. Ricci has known since at least June 26, the scheduled date of the surgery, and possibly earlier, that it was cancelled. Nonetheless, Ricci sat on this information and did not file his "emergency" motion until less than 48 hours before he is supposed to report. The letter submitted in support of the requests is dated July 2, and yet was not provided to the government except through the ECF filing July 9. It contains vastly more information than one would typically observe in medical documentation and has all the hallmarks of having been manipulated or coerced by the defendant. Ricci has a history of submitting false information to this Court in support of his requests for release related to his medical condition and other courts throughout the history of this case. Yet the timing of the filing means that even further investigating the legitimacy of this documentation would require giving Ricci the delay he is bent on receiving.

In any event, it is apparent from the nature of the documentation that Ricci's medical condition presents no emergency. If it was an emergency, it could not wait

¹ Ricci's statements were documented in an FBI 302 which has been provided to defense counsel and can be made available to the Court upon request.

until October for treatment. Ricci has been designated to FMC Devens, which is a medical facility more than capable of handling his health care needs. If medical professionals in the BOP determine Ricci truly needs surgery, they are capable of making arrangements to do so, either at FMC Devens or through health care partners outside the BOP facility.

CONCLUSION

For the reasons set forth herein, the Court should deny the defendant's Motion to Postpone his self-surrender date.

Respectfully submitted,

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s/ John P. McAdams
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2024, I caused the within Government's Motion to Revoke to be filed electronically and it is available for viewing and downloading from the ECF system.

/s/ John P. McAdams

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